



Town Of Boxborough
Board of Health
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Under the authority of Massachusetts General Laws Chapter III section 31, and Chapter 140 sections 51-53, Board of Health of the Town of Boxborough hereby amends its regulations by adopting the following new regulations:

REGULATIONS GOVERNING THE PRACTICE OF MASSAGE/MUSCULAR THERAPY

SECTION I – Definitions

- 1.1 Massage or Muscular Therapist shall mean any person who has been trained in and practices the art of massage and/or muscular therapy.
- 1.2 Massage or Muscular Therapy shall mean a method of applying pressure on or friction against, running, kneading, tapping, pounding or stroking the external parts of the body with the hands or arms; with or without the aid of mechanical or electrical apparatus or appliances; and with or without supplementary aids such as rubbing alcohol, liniments, oils, creams, lotions, powders or similar preparations; for the purpose of reducing tension, stimulating circulation and generally providing for an increase in a person's health and well being.
- 1.3 Sanitization shall mean effective germicidal treatment by a process that provides enough accumulative heat or concentration of chemicals for enough time to reduce the germ count, including bacterial, viral and fungal pathogens, to a safe level on cleaned towels, linens and instruments.

Section II – Registration

- 2.1 No person shall practice massage and/or muscular therapy for commercial purposes within the Town of Boxborough without a certificate of registration from the Board of Health.
- 2.2 An applicant for a certificate must:
 - a. complete an application form available at the Health Department which shall at a minimum include:

1. full name, place of business, home address, former occupation and addresses of the same for past two years, substantive letters of reference from three professional people, kind of massage to be practiced, proposed massage establishments, when applicable, education, training, experience, certificates and diplomas, criminal record, names of other persons actually giving massage in the same establishment, and the names and addresses of the corporate officers of the business if incorporated.
- b. submit a certified copy of proof of graduation from a school of massage or muscular therapy approved by the American Massage Therapy Association and The Commonwealth of Massachusetts Department of Education

or

proof of graduation from a school of massage or muscular therapy certified by the Board of Education in the State in which the school is located, and which requires at least 500 hours and at least six months of instruction and practical training.

- c. show certification that applicant is free of tuberculosis in communicable form as set forth by the Department of Public Health in the Commonwealth of Massachusetts.
- 2.3 Any certified massage practitioner may at any time be required to furnish additional evidence of the required training within a reasonable amount of time. In addition, the practitioner may be required to furnish evidence of good health from a licensed physician if the Health Department has reasonable cause to believe that the practitioner may pose a source of communicable disease which puts the public at risk.
 - 2.4 The Board of Health prior to the issuance of any certificate of registration shall evaluate each individual application by the information provided as required in sections 2.1 – 2.3. The Board may also consider for evaluation any statements made by the applicant to the Board at any public meeting.
 - 2.5 The fee for an individual certificate of registration shall be established annually by the Board of Health.
 - 2.6 No application shall be received from a minor.
 - 2.7 All massage therapy certificates shall expire on June 30 of each year.

Section III – Exception and Exclusions

- 3.1 The provisions of these regulations shall not apply to the following classes of individuals while engaged in the performance of the duties of their respective professions:
 - a. Physicians, surgeons, chiropractors, osteopaths, podiatrists, physical therapists or occupational therapists who are duly licensed to practice their respective profession in the Commonwealth of Massachusetts.

- b. Nurses registered under the laws of the Commonwealth of Massachusetts.
 - c. Barbers and beauticians who are duly licensed under the laws of the Commonwealth of Massachusetts while engaging in practices within the scope of their licenses, except that this provision shall apply solely to the massaging of the neck, face, and/or scalp of the customer or client.
 - d. Health care personnel in hospitals, nursing homes, or other health care facilities licensed by the Commonwealth of Massachusetts.
- 3.2 A person registered or licensed to practice massage in any other city or town of the Commonwealth of Massachusetts may, on a referral by a physician, attend specific patients in the Town of Boxborough. If requested, he/she shall submit to the Board a copy of his/her registration or license from another community and written confirmation of the referral.

Section IV – Massage Therapy Establishment Licensing Requirements

The Board shall license establishments annually for the sole purpose of providing massage therapy if the following requirements are met:

- 4.1 All zoning bylaws and requirements of the Town of Boxborough are met as specified by the Zoning Officer of the Town of Boxborough.
- 4.2 All massage therapists practicing on the premises hold current massage therapy registration from the Town of Boxborough.
- 4.3 An application supplied by the Health Department has been completed.
- 4.4 The Board of Health prior to the issuance of any massage therapy establishment license shall evaluate each individual application by the information provided as required in sections 4.1 – 4.3. The Board may also consider for evaluation any statements made by the applicant at any public meeting.
- 4.5 A fee established by the Board of Health for a massage establishment permit shall be paid at the time the application is submitted.
- 4.6 License is nontransferable.

Section V – Massage Therapy Establishment Operating Requirements

- 5.1 Massage therapy establishments shall at all times be equipped with an adequate supply of clean sanitary towels, coverings and linens. Clean towels, coverings and linens shall be stored in a sanitary manner free from contamination. Towels and linens shall not be used on more than one patron, unless they have first been laundered, disinfected and

sanitized. Disposable towels and coverings shall not be used on more than one patron. Soiled linens and disposable items shall be deposited in approved separate, covered receptacles and shall be disposed of as often as necessary in an approved sanitary manner.

- 5.2 Instruments and devices as well as hands utilized in performing massage and/or muscular treatment shall not be used on more than one patron unless they have been sterilized, disinfected and/or sanitized using approved methods.
- 5.3 Pads used on massage tables shall be covered with a durable, washable plastic or other waterproof material, and disinfected between uses on patrons.
- 5.4 The room or rooms used by any person licensed to practice massage or to conduct an establishment for the giving of massage or muscular therapy shall be provided with an adequate supply of disinfectant to allow proper sanitization of hands immediately before and after treating each patron.
- 5.5 Therapists practicing in the establishment must be aware of the fundamental principles of prevention of the transfer of communicable diseases.
- 5.6 All rooms used in the conduct of the business shall be well lighted (20 lumens per square foot, minimum) and ventilated.
- 5.7 Walls, ceilings, floors and other physical facilities of the establishment must be maintained in good repair and in a clean and sanitary condition at all times.
- 5.8 A list of services and fees shall be clearly posted for unobstructed inspection by the patrons.
- 5.9 The establishment shall be open to the Director of Health, or appointed designee, for the purpose of making reasonable, unscheduled inspections to observe and enforce compliance with applicable regulations. Inspections will be made on at least an annual basis.
- 5.10 No establishment licensed for the giving of massage and/or muscular therapy shall be kept open or operate except between the hours of 7:00 a.m. and 10:00 p.m. unless authorized in writing by the Board.

Section VI – Revocation of License or Certificates of Registration

- 6.1 A license or Certificate of Registration may be revoked by the Board of Health if a licensee or certificate holder:
 - a. after a written request by the Board of Health fails to furnish additional evidence of physical fitness, training, experience and criminal record, if any.
 - b. has become unfit to engage in the practice of massage and/or muscular therapy by reason of the licensee's or certificate holder's physical condition, or fitness to do the work licensed.

- c. the Board can in its discretion revoke a permit on grounds of criminal record.
- d. it is found that any material statement in the application for a license or certificate is untrue or false.
- e. refuses to permit any duly authorized officer of the Town or State to inspect the premises or the work of the licensee at any time.

Section VII – Variance

- 7.1 The Board of Health may vary the application of any provision of these regulations with respect to any particular case when, in its opinion, the enforcement thereof would do manifest injustice, provided that the decision of the Board of Health shall not conflict with the spirit of these regulations. Any variance granted by the Board of Health shall be in writing. A copy of such variance shall, while it is in effect, be available to the public at all reasonable hours in the office of the Clerk of the Town, or in the office of the Board of Health, and notice of the grant of variance shall be filed with the Commissioner of Public Health of the Commonwealth with seven (7) days of the vote of the Board of Health.

Section VIII – Penalty

- 8.1 Whoever violates any provision of these rules and regulations shall be punished by a fine of not more than one hundred dollars (\$100.00).
- 8.2 If any clause, section, paragraph, sentence or phrase of these rules and regulations shall be decided invalid for any reason whatsoever, such decision shall not effect the remaining portions of these regulations, which shall remain in full force and effect, and to this end the provisions of these regulations are hereby declared severable.

[Signed by the Board on 12/19/90]

[Received and Attested by Town Clerk: 12/21/90]

[Publication Date: 12/27/90]